

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	)	
	)	
F. William Daugherty, et al.	)	Examiner: Jeffrey D. Carlson
	)	
Application No: 09/963,246	)	Art Unit: 3622
	)	
Filed: September 26, 2001	)	Confirmation No: 8590
	)	
For: SYSTEM AND METHOD FOR	)	
FACILITATING INFORMATION	)	
REQUESTS	)	
	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Declaration of Daniel Fossner Under 37 C.F.R. § 1.132

Daniel Fossner declares:

1. I understand that claims 1-10, 12, 17, 19-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Chamberlain, U.S. Patent Publication No.: 20030208369 (hereinafter, "Chamberlain") and that claims 11, 13-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chamberlain in view of Patterson. I further understand that the effective date of Chamberlain is September 8, 2000.
2. The invention recited in claims 1-10, 12, 17, 19-20 of the present Application was completed in this country prior to the effective date of Chamberlain by conceiving the invention prior to the effective date of Chamberlain.
3. Attached as Exhibit 1 to this declaration is a copy of a document "One Click Advertising' Requirements." I am the creator of this document and can therefore testify to its creation.

4. On page 1 of the document is shown that the invention was conceived on or before August 31, 2000. The invention was thus conceived prior to the effective date of Chamberlain.

5. The present patent application was filed on September 26, 2001, and claims priority to a provisional application filed on September 26, 2000 thus constructively reduced to practice on September 26, 2000 by the filing of the patent application.

6. Attached as Exhibit 2 is an email that I sent on September 19, 2000 to the attorneys responsible for filing the patent application. I submit that I, as representative of the assignee, have been diligent between the date of Chamberlain of September 8, 2000 and constructive reduction to practice on September 26, 2000.

I declare under penalty of perjury under the laws of the United States that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that all statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any Patent issuing thereof.

Executed this 28 day of May, 2009, at New York  
NY

  
Daniel Fossner

## **EXHIBIT 1**



## "One-Click Advertising" Requirements

Created By: Daniel J. Fossner

Last Modified: 9/12/2000 12:07 PM

### requirements overview

<b>project name:</b>	One-Click Advertising
<b>description:</b>	
<b>create date:</b>	8/31/2000 1:34 PM
<b>contact info:</b>	Daniel Fossner, x2017
<b>requested release date:</b>	October 2, 2000

### revisions

	revised by	Date	description
<b>revision 1:</b>	Dan Fossner	9/5/2000	Removed "test" appendix
<b>revision 2:</b>	Dan Fossner	9/8/2000	Updated pop-up details and Technical Challenges section
<b>revision 3:</b>	Dan Fossner	9/12/2000	More details
<b>revision 4:</b>	Dan Fossner	9/13/2000	Detailed Campaign Types

### people

	name	extension
<b>owner:</b>	Daniel Fossner	2017
<b>sales liaison</b>	Rachel McKinley	415-934-0784
<b>development project manager:</b>	Eric Osterwell	2057
<b>production project manager:</b>		
<b>designer:</b>	Donald Robinson	2012
<b>producer:</b>		
<b>developer:</b>		
<b>dba:</b>		

### Others Involved:

- Tom Harrer
- Cara D'Amato
- Eric Esterlis
- Clive Marshall
- Kenneth Aponte

## table of contents

<u>requirements overview</u> .....	1
<u>revisions</u> .....	1
<u>people</u> .....	1
<u>executive summary</u> .....	2
<u>user flow</u> .....	3
<u>new web page details</u> .....	4
<u>data transfer between iWon and it's partners (feeds)</u> .....	6
<u>marketing database</u> .....	6
<u>admin tool</u> .....	7
<u>new registration details</u> .....	7
<u>new entries (bones) details</u> .....	7
<u>important sales/sponsorship considerations</u> .....	7
<u>important legal considerations</u> .....	7
<u>traffic estimates</u> .....	7
<u>key technical challenges</u> .....	7
<u>appendix: graphic design/layouts/mockups</u> .....	8

## executive summary

An opportunity exists to create a new type of advertising on the Internet. Because we have users' name, address, and email, we can deliver potential customers to advertisers with much greater efficiency than our competitors. "One-click" advertising is how we'll do it.

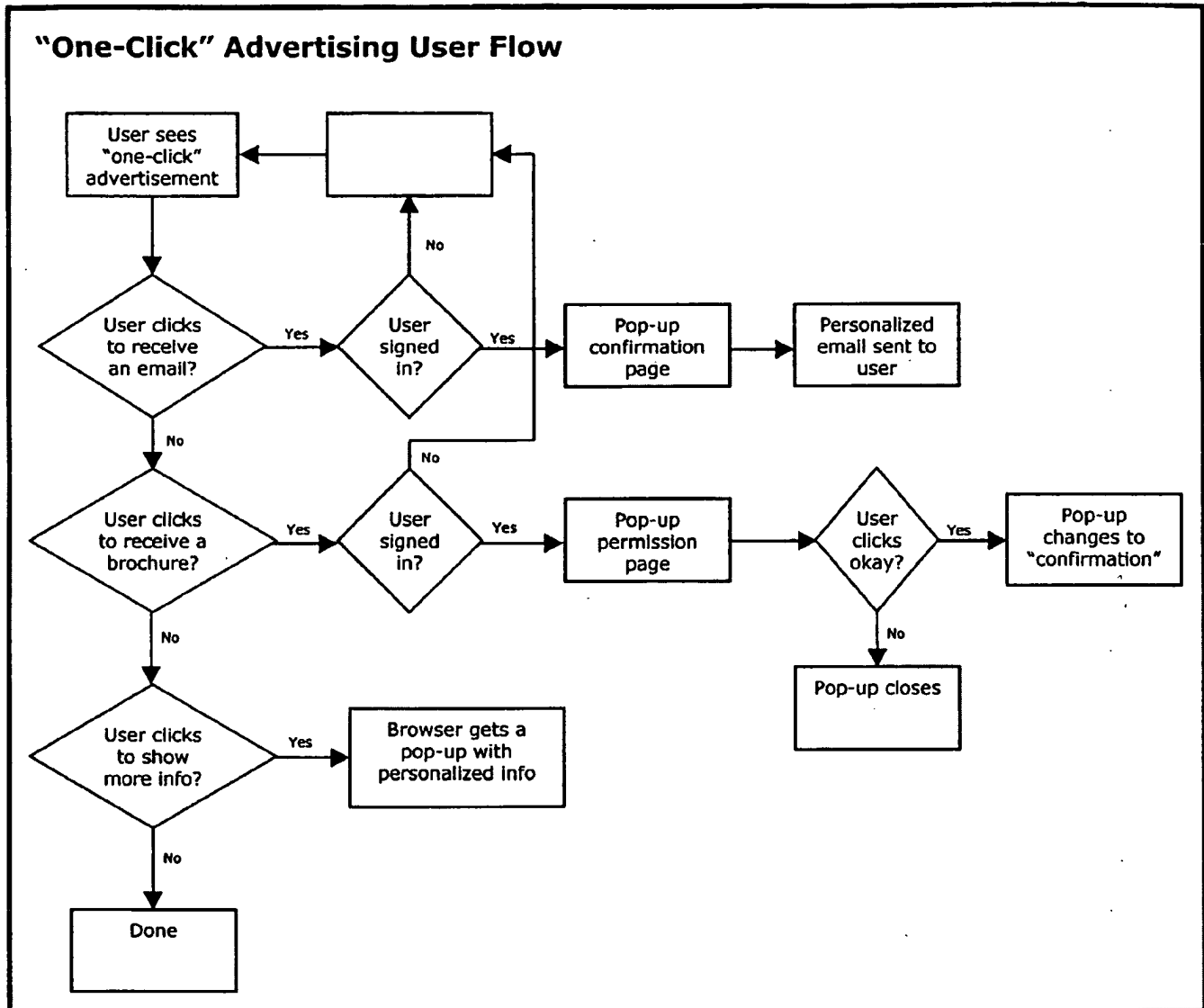
Users will see an advertisement on the right side of a Features page, that has some kind of graphic (likely animated). Below the advertisement will be a set of links:

- <Click here> Show me more Information
- <Click here> Email me more Information
- <Click here> Send me a brochure

The 1<sup>st</sup> link (show me more information) will not always appear, as we will be testing the effect of this link's presence on the click-through of the others. By clicking on either the graphic or the 1<sup>st</sup> link, the user will get a pop-up with some more information on the product/retailer, including some personalized information (e.g., the retailer/dealer nearest to the user's home address). It will also include a link to the advertiser's website. By clicking on the 2<sup>nd</sup> link, the user will see a pop-up confirming that an email has been sent to his/her email address. By clicking on the 3<sup>rd</sup> link, the user will be given a pop-up confirming that the advertiser will send the user information to his/her address of record.

The key benefit here is that we can target these unlike anyone else. Besides using Accipitor to target the ad so only certain users see it, we will personalize the email/brochure the user receives. For example, if the ad is for a Chevy Blazer, and the user clicks to receive an email, we will send an email with info about the truck and include the name and address of a Chevy dealer in or near the user's hometown.

On the back-end, we need to set up feeds to the sponsors to send them names and addresses of all users who request "physical" mailings. These will break out the names and address by the specific ad the user responded to. So, one user may have clicked through on a Chevy Camaro ad and another may have clicked through on a Chevy Blazer ad – both send the info to Chevrolet but the brochure the users get should be different.

**user flow**

## new web page details

### Email Confirmation Pop-Up

This will be a pop-up that confirms to the user that an email has been sent to his email address with information on the specific product requested (so that different users who saw different ads will see different pop-ups for different products). The text will say something to the effect of:

Thank you for requesting information on ProductA. You should receive an email in the next 24 hours with more information.

Here is the name and address of a retailer in your area:

Joe's Store  
123 Main Street (at the corner of First Ave.)  
Anytown, NY 11111

If you would like to review your profile, [click here](#). In accordance with the iWon Privacy Policy, your email address has not been provided to an outside entity. The email you will receive has been sent by iWon, not one of our sponsors. For more information, see the [iWon Privacy Policy](#).

[Click here](#) to close this window.

### User Email

This will be customized for each advertiser and personalized for each user (with info for a local zip code or any other demographic by which we would like to target), but will in general look something like the following. Note that depending on the advertiser, there likely will be HTML emails as well as text-based emails. Also, once again, the email will be targeted based on specific product/retailer selected.

Dear <Name>,

Thank you for requesting information on ProductA. ....  
.....  
.....  
.....

To find out even more, be sure to visit:

Joe's Store  
123 Main Street (at the corner of First Ave.)  
Anytown, NY 11111

Thanks again, and be sure to come back to [iWon](#) every day!

Sincerely,  
The iWon Team

**Brochure Permission Pop-Up**

This will be a pop-up that confirms that the user would like to give permission for us to share his/her personal information (name and address) with the advertiser. The user will have the choice to review his or her profile, and to grant or deny permission. Again, it will be targeted based on the product the user clicked-through on.

Thank you for your request to receive more information on ProductA. Please click below to agree to have CompanyA send you a brochure. By doing so, you are granting iWon permission to share with CompanyA your name and address only so they may send you information.

**I agree. Please have CompanyA send me more information.**

**I decline.**

If you would like to review your profile, [click here](#). In accordance with the iWon Privacy Policy, your address will only be provided to an outside entity with your permission. For more information, see the [iWon Privacy Policy](#).

[Click here](#) to close this window.

**Brochure Confirmation Pop-Up**

This is the pop-up users will see if they agree to receive a brochure. It is simply a new page within the previous pop-up. Had the user declined, the pop-up would simply have closed.

Thank you for requesting information on ProductA. You should receive a brochure within the next 5-7 days.

In the meantime, here is the name and address of a retailer near you:

Joe's Store  
123 Main Street (at the corner of First Ave.)  
Anytown, NY 11111

If you would like to review your profile, [click here](#). In accordance with the iWon Privacy Policy, your email address has not been provided to an outside entity. The email you will receive has been sent by iWon, not one of our sponsors. For more information, see the [iWon Privacy Policy](#).

[Click here](#) to close this window.



### ***“Show More Info” Pop-Up***

This will be a pop-up that gives the user more information on the product. Like the other pop-ups, it will be targeted to the specific user and based on the specific product. The text will say something to the effect of:

Thank you for requesting information on ProductA. It is a new, state of the art ... ..

[illegible]

Here is the name and address of a retailer in your area:

**Joe's Store**  
123 Main Street (at the corner of First Ave.)  
Anytown, NY 11111

For more information, be sure to visit CompanyA's website at [www.companya.com/producta-info.htm](http://www.companya.com/producta-info.htm)

**Click here to close this window.**

### **data transfer between iWon and it's partners (feeds)**

For any requests for brochures or other physical mailings, we will need to set up a daily feed to the sponsor. The type of feed will depend on the sponsor to which we are sending the information. It could be an ftp to the sponsor's company. It could be an email attachment. On any given day, there will be likely be no more than 20 sponsors, each with 20 different products, all for a total of less than 100,000 user profiles. The feed should break out the specific products that each user requested more info on.

From a reporting perspective, we will need to report to the advertiser impression and click-through data on the ads, the pop-ups and the emails. Since only the ad is being served and tracked by Accipiter, this will likely not be an easy thing to do, but we'll need to report this info to the sponsors. An integrated reporting tool needs to be built that pulls in the Accipiter reports, email results, and pop-up click-through information.

## marketing database

**We should track each day, and feed to the marketing database, the usernums of people who agreed to receive information from sponsors in any form:**

- clicked through to see more info
- clicked through to the sponsor's site
- requested to receive email
- clicked through the email to the sponsor's site
- requested and agreed to receive a brochure

This should be tracked for each different advertiser and product advertisement using "one-click".

## **admin tool**

The admin tool will be more complicated than for most ads, as it will need to include the ability input the text and HTML of an email, and a pop-up box. Also, we need to choose what the "click-here" components will be (i.e., some ads will have a click-through for more info, and some will have for only email or a brochure).

## **new registration details**

User must be registered and signed in to receive any sponsor information. If a user is not signed in, he will be prompted to do so, and then redirected back to the page with the sponsor ad.

## **new entries (bones) details**

There will be no entries awarded for clicking to receive an email or brochure. Clicking to receive more information (visiting the sponsor site) should have the same number of entries as clicking on a banner ad – 3 entries.

## **important sales/sponsorship considerations**

Over time, Sales will require more customization. Some sponsors may want a "click-here to download a sample" or "click here to purchase a ticket". While we are starting with the limited functionality described earlier, the product needs to have the long term flexibility to handle different types of "one-clicks".

## **important legal considerations**

We must be clear with the user that requesting a brochure requires iWon to share his/her personal information with an outside party.

## **traffic estimates**

At peak, we can expect less than 20 different sponsors on the site with one-click advertising, each with as many as 20 different products or creatives running at a time, and an absolute maximum of 100,000 emails that would need to be sent in any 24 hour period.

## **key technical challenges**


For the Chevy Blazer example, we will need to take our user's zip code and find the nearest dealer from the list we get from the sponsor. Clive Marshall is developing an application that will allow us to do this.

Also, we need to show the name/address of the retailer (if appropriate) nearest the user in the pop-up box. This may require an additional field (e.g., zipcode) in the user's cookie or a significant number of database lookups.

The pop-ups and emails will be targeted not only based on the individual user, but also based on the specific ad viewed and clicked on.


## appendix: graphic design/layouts/mockups

Below is a mock-up from Donald Robinson of the Chevy Blazer example of a one-click ad:



☐ Web ☐ Stock Quotes ☐ Shopping ☐ MP3

### BUY A CAR

Powered by 

#### New Car Info

- 4 > [Buy a New Car](#)
- 4 > [Read the latest car reviews](#)

Get a price quote on a new car by make:

Make


#### Pre-owned Car Info

- 4 > [Search for a pre-owned auto](#)
- 4 > [Check the value of a used car](#)

Find a great deal on a pre-owned car near you:

Make

Zip Code



CHEVY BLAZER

Click here Show me more information

Click here Email me more information

Click here Send me a brochure

### SELL YOUR CAR


To sell your car fast, click below for helpful information:

- 4 > [Sell your car](#)


Other resources:

- 4 > [Kelley Blue Book values](#)
- 4 > [Modify your ad](#)

5 > [Need Auto Insurance?](#)



5 > [Win 1 of 4](#)



5 > [Great deals on sporting goods](#)

5 > [Auto insurance quotes online](#)


Where to find this document: \\Projects on Medusa\\<Project Name>\\<Document Name>.doc  
 Copyright © 2000 iWon, Inc. - For Internal Distribution Only

Page 8 of 8

**!wom**

<b>Hi, donald</b>	<b>Email</b> <input checked="" type="checkbox"/>	<b>7 &gt; Shopping</b>	<b>3 &gt; Make iWon my home page</b>	<b>5 &gt; Today's survey</b>	<b>5 &gt; iWon Today</b>
Contest \$100 entries.		Limit reached Weekly \$20,000 < 100	Need \$100 244	My entries 1,178	My entries 9,770

---



**iWon Autos Contest**

**Features**  
[5 > iWon](#)    [5 > My iWon](#)    [3 > Search](#)

---

### BUY A CAR

New Car Info

**4 > Buy a New Car**

**4 > Read the latest car reviews**

**4 > Search for a pre-owned auto**

**4 > Check the value of a used car**

### SELL YOUR CAR

Pre-Owned Car Info

**4 >**

**Get a price quote on a new car by make:**

**Make**

**Find a great deal on a pre-owned car near you:**

**Make**

**Zip Code**

**4 >**

**Show me more information**

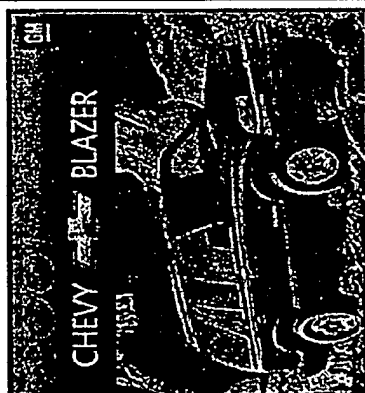
**Email me more information**

**Send me a brochure**

**Click Here**

**Click Here**

**Click Here**



**CHEVY BLAZER**

**Powered by iWon.com**

**Provide advertisers with a seamless solution for getting their product/information into the consumers hands.**

## Show Me More Info

## Email Me More Info

# Send Me A Brochure

## **EXHIBIT 2**

**From:** Daniel Fossner <dfossner@staff.iwon.com>  
**To:** "morrisf@pennie.com" <morrisf@pennie.com>  
**Date:** Tue, Sep 19, 2000 2:05 PM  
**Subject:** One-click

Mark Stein asked me to pass on these materials on one-click.

- \* Business Requirements document
- \* Details on the product
- \* Powerpoint slide on the product

Feel free to call or email with any questions.

— Dan Fossner

\*\*\*\*\*  
Daniel J. Fossner  
iWon, Inc.  
One Bridge Street  
Irvington, NY 10533  
Phone: 914-591-2000  
Direct Phone: 914-826-2017  
Fax: 914-591-0205  
Cell: 917-771-8656  
Email: dfossner@staff.iwon.com  
\*\*\*\*\*

**CC:** Mark Stein <mstein@staff.iwon.com>

## One-Click Details

9/14/00

1. Placement: Right side navigation bar of Feature areas
2. Campaigns: A campaign is defined as a specific ad running in a specific placement. For example, if American Express Travel were to buy an exclusive placement in the Travel section of iWon, they may choose to have 3 different campaigns – Hawaii, Orlando, and the Caribbean. There will be no more than 10 campaigns per placement.
3. Choices: The one-click placements will have no more than 3 “click here” choices. But those choices may vary such that any one campaign might have 1, 2, or 3 of the following:
  - Show me more info
  - Email me
  - Send me info/sample
  - Special deal
  - Buy now (items purchased by credit card and delivered by mail)
  - Deliver Now (ordered by credit card and delivered immediately – e.g., Kozmo)
  - Download Now
  - Stream/See/Listen now
  - Make a reservation (travel, restaurant, tickets to a show/concert/event)

The choices that appear for any user will be determined by standard ad targeting demographics/geographies/affinities, as well as some random results for testing purposes (e.g., “what are the effects on click-throughs to receive an email if we remove the “show more info” link?.).

4. Pop-up Components: The contents of the pop-ups will include text, images, and links that are standard to the particular campaign/“one-click” combination (i.e., standard to the campaign and the particular link the user followed to get to the pop-up), as well as some highly targeted information and options. The non-standard targeted information will include some of the following:
  - User’s first name
  - Name of a retailer or other local-based contact defined by proximity (e.g., the “closest” store to a user’s home zip code, from a pre-established list of possible zip codes). This will also be built to include a default value (e.g., a national phone number or website) if there is no contact within a certain distance from the user’s hometown.
  - Text, images, or links targeted by a user’s age, gender, and affinities – e.g., if a user clicked for more information on vacation packages to the Caribbean, we might vary the message in the pop-up for men or women.
  - Alternately suggested products – e.g., if the ad is for a Proctor&Gamble toothpaste, the pop-up may suggest a few other consumer products that the user would be interested in. These will be limited to no more than 5 products.
  - Question-based form. Once a user has clicked to see more information, we would ask the user “would you like to have a company representative contact you?”. This would be followed by two possible buttons – “yes” or “no” and a “submit button. The results would be included in a feed to the advertiser, similarly to requesting a brochure.
  - Email to my friends. There would be a box for the user to enter a few email addresses, separated by semicolon, of other people to forward similar info to their friends. The emails would go out immediately.
  - Monthly Bonus Link. If we had a large integrated ad buy that included both Monthly Bonus and One-Click, we would query the database and based on whether the user has already signed up for the Monthly Bonus or not, we would provide an image and text link to sign-up.
  - Drop-down Menus. If a user clicked to receive more information on the new fleet of Acura cars, a drop down might appear in the pop-up that asked the user what specific model he/she is interested in before sending an email or sending the user off to a website.

- Print this/Email this. The pop-up might be a coupon for a product that can be redeemed at a local grocer. The user would need to print a copy of the pop-up or of an email and bring it to the store.
- Show more theater info. If the sponsor was a movie theater chain, and the ad was for the upcoming release of Rocky VII, the pop-up would include a link for theater listings near him. The link would pull up a page on the sponsor's site with Rocky VII screening times at theaters that are part of the chain, but near to the user. We would need to pass zipcode info to the sponsor.

5. Pop-Up Types: Here are the details on what happens when a user clicks on one of the "click-here" buttons:

- Show me more info – brings up a pop-up with product info and some of the components above
- Email me – brings up a pop-up informing the user that the email has been sent. Also may include some components above.
- Send me info/sample – a pop-up comes up confirming that the user agrees to have iWon pass his/her name and address to the sponsor to send the sample/brochure/etc. along.
- Special deal – brings up a pop-up with similar info to clicking on one of the iWon POPs in iWon Shopping. The form would be pre-filled with the user's info with only the credit card left blank. We would host this to gain the user's credit card information for the database and then pass, securely, the user's info to the sponsor for confirmation and fulfillment.
- Buy now (items purchased by credit card and delivered by mail) – same as "special deal".
- Deliver Now (ordered by credit card and delivered immediately – e.g., Kozmo) – same as "special deal", only there might be an additional question for delivery instructions.
- Download Now – would go straight to a download screen.
- Stream/See/Listen now – would launch a RealPlayer or Windows Media Player.
- Make a reservation (travel, restaurant, tickets to a show/concert/event) – pulls up a pop-up with the specifically pertinent forms.

6. Rich Media:

- Drop-Down. Provide rich media one-click ads. The key example here is an ad for Princess Line Cruises. The one-click would include a drop-down that asked the user where he/she wants to go. Once a location is selected, the pop-ups resulting from the one-click would be targeted to the specific location choice. There would be no more than 10 options in the drop-down.
- Sound. The ad and the pop-up might have sound and a volume control. On the ad it would be defaulted to "off". On the pop-up, it would be defaulted to "on."

7. Examples of Advertisers:

- Car companies – different cars
- Travel Agents
- Cruise Lines
- Vacation packages
- Consumer Products – health related
- Anheuser Busch – click for a coupon, email about new product
- Theater Chains – show trailers, buy tickets (moviefone), email directions to theater
- Apparel – buy now, send a catalog
- Consumer electronics – send and show info on high end products (Sony Wega); cameras, computers
- Pharmaceuticals
- Health & Nutrition – supplements (GNC)